IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6702 OF 2005

Jayesh Jayantilal Doshi ..Petitioner.

Versus

1. Snehlata Dattatrya Chogle & Ors. ..Respondents.

Mr.R.S.Moorthy with Mr.Piyush Shah for the Petitioner.
Mr.A.V. Bedekar for the Respondent No.1.
Ms. Nisha A. Dabhade for the Respondent No.3.

CORAM : S. A. BOBDE, J.
DATED : 17TH OCTOBER, 2005.

P.C.:

1. Allowed to delete the Respondent No.2 at the request of the learned counsel for the petitioner.

2. Rule returnable forthwith. Mr. Bedekar, Advocate for the Respondent No.1 and Ms. Dabhade, Advocate for the Respondent No.3 appear and waive service of rule. Heard by consent.

3. After hearing the matter for some time, the following order is passed by consent.

4. In view of the admitted fact that the copy of the affidavit of evidence was served by the petitioner

on the plaintiff i.e.Respondent No.1 in January, 2005, the impugned order dated 17.08.2005 passed by the City Civil Court in Suit No. 5529/2003 is set aside.

5. The petitioner shall be allowed to tender his affidavit of evidence subject to payment of cost in the sum of Rs.2,500/- to the Respondent No.1.

6. Rule is disposed of in the above terms.

DT. 17.10.05 (S.A.BOBDE,J)

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